IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.14346-M of 2007

DATE OF DECISION: MARCH 8, 2007

Kashmir Singh

...PETITIONER

VERSUS

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. Vivek Salathia, Advocate,
for the petitioner.

...

Petitioner Kashmir Singh apprehending his arrest in a non-bailable offence in case FIR No.145 dated 9.10.2006 registered under Sections 376/506/34 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act at Police Station Majitha, District Amritsar, has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail.

As per the allegations in the aforesaid FIR, on 9.10.2006, the prosecutrix along with her minor daughter was standing at bus stop of village Bharawan for going to village Rod Khehra. At about 10.00 a.m., a Ghora Rehra came from the side of village Bharawan, which was being plied by Ajit Singh. Accused Jagtar Singh and Kashmir Singh (petitioner) were also sitting on that Rehra. Ajit Singh asked her to take a hitch ride on his Rehra. Since the prosecutrix was already knowing him as he was from village Bharawan, she along with her daughter sat on Rehra. On the way, the prosecutrix was forcibly brought down from Rehra by all those three accused. She was gagged by accused Ajit Singh and other accused overpowered her by her arms. Thereafter, all the three accused, including the petitioner, turn by turn committed rape on her, while her daughter kept on crying on the Rehra. After bringing her daughter down from the Rehra, all three accused ran away. On the basis of the statement of the prosecutrix, the aforesaid FIR was registered against all three accused.

Counsel for the petitioner contends that the petitioner has been falsely implicated in this case. He further contends that actually the prosecutrix was allegedly raped by co-accused Ajit Singh and Jagtar Singh. He also contends that as per the MLR, no external or internal injury was found as a result of gang rape of the prosecutrix. Counsel further contends that the entire story of the alleged gang rape is a concocted one.

After hearing the counsel for the petitioner, going through the record of the case and keeping in view the gravity of the offence and the manner in which it was committed, I am not inclined to grant the concession of anticipatory bail to the petitioner.

Dismissed.

March 8, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE